

CANVASSING



KANSAS

AN UPDATE ON ELECTION NEWS IN KANSAS

HAVA Update

Planning for implementation of the Help America Vote Act of 2002 (HAVA) began in most states immediately after President Bush signed the law on October 22, 2002. Now, more than 10 months into the planning stage, many meetings and discussions have been held, ideas solicited from many sources, and much progress has been made, although the progress at times seems slow. When we consider the importance of the changes being planned and their potential effect on the election process, slow, measured planning seems the wisest course.

Secretary of State Ron Thornburgh knew HAVA would require guidance from many people, most notably county election officers. Some of the groups brought into the planning process include the following:

Advisory Council

Thornburgh appointed a diverse Advisory Council which met four times in the late winter and early spring of 2003 to help write the state plan.

Work Groups

The plan includes input from a series of at least three HAVA work groups: one on CVR (centralized voter registration), one on training and education, and one on voting standards (what constitutes a vote, how to determine voter intent, etc.). An additional work group might be needed to consider voting equipment in light of HAVA's requirement that each polling place

have at least one fully accessible voting machine to allow disabled persons, including visually impaired voters, to vote without receiving assistance.

CVR Work Group

The CVR work group has met four times and provided a detailed list of components and functions needed in the CVR program. Now, SOS staff will work with their consultant, Jim Minihan, to write the RFP (request for proposal) to be published in November. Vendors may submit proposals for approximately two months after that. Thornburgh will select a procurement committee to review proposals and recommend a vendor. Execution of a contract with the successful vendor is scheduled for May 2004. If all goes as planned, the new CVR system will be installed statewide in January 2005 to run concurrently for a period of months, at which time the new system will become the official state voter registration database in time for the 2006 election.

Training & Education Work Group

The training and education work group will meet in Topeka for the first time on September 17. This work group's task is threefold: design a program for training county election officers, design a program for county election officers to train their election board workers, and design a public information pro-

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Marilyn Chapman Resigns

The Kansas election community will lose one of its long-time leaders when Sedgwick County Election Commissioner Marilyn Chapman leaves office October 31. On August 6, Chapman publicly announced her intention to retire.

Chapman was first appointed election commissioner by Secretary of State Jack Brier on July 20, 1981, succeeding Genevieve Wilbur. She has served under three secretaries of state—Brier, Bill Graves, and Ron Thornburgh.

Chapman said, "I have enjoyed all the great people I have come to know, starting with my friends in the SOS office and the county election officers. I'm really going to miss everyone. And I have enjoyed all the challenges that have come along. I could almost write a book with all the interesting things that have happened and people I have met."

Secretary of State Ron Thornburgh, who reappointed Chapman in 1997 and 2001, said, "This is a tremendous loss for our elections community. Marilyn has been a leader in the elections field both locally and on the national level. She led Sedgwick

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Two New Voting Machines Certified

Secretary of State Ron Thornburgh recently certified two new voting systems for use in Kansas. These latest certifications come on the heels of the certification in January this year of the Avante VOTE-TRAKKER model EVC 308 DRE (direct recording electronic) system. (See *Canvassing Kansas*, March 2003, p. 2.)

On June 17, 2003, Secretary Thornburgh certified the Hart InterCivic Election Solutions Group's eSlate DRE Voting System version 2.1. On July 3 he certified the Voting Tehnologies International VOTWARE Touch Screen Voting System version 3.3.4.

These systems include audio ballot components to comply with the Help America Vote Act's requirement that visually impaired voters be able to vote without assistance.

Other manufacturers already certified in Kansas, including MicroVote and Diebold, are in the process of having their new HAVA-compliant systems reviewed and recertified.

SOS Fees Increased

As a result of the governor's recommendation and the legislature's decision to make the Secretary of State's office a fee funded agency, all fees charged for transactions with the Secretary of State's office increased beginning September 1, 2003.

Historically, the office operated on a split-funding basis. Half of the agency's revenue was generated from state general fund dollars (appropriated by the legislature), while the other half was comprised of fees charged for services offered to customers. In the current fiscal year (FY 2004), that funding was cut by 50 percent. Starting in fiscal year 2005, the agency will receive no state general fund money; all salaries, expenses, equipment and operating costs will be generated through transaction fees.

The office continues to look for ways to cut administrative costs and pass those savings to our customers. We have spent the past six months doing a comprehensive review of transactions and fees. In every case, the new fee reflects the statutory requirement of the law, as well as the lowest fee possible to perform the duties of the agency.

The fee increases affect corporate filings and uniform commercial code transactions, notary public registrations, and many other transactions conducted on a daily basis in the office. They also affect

the following transactions in the elections division: sales of law books, sales of flags, lobbyist registrations and candidate filings.

For instance, depending on the type of registration, each lobbyist will pay an additional \$15 to \$75 to be officially registered. National and state candidates will each pay an extra \$20 in addition to their filing fee and the report fee that goes to the Governmental Ethics Commission. This includes some types of candidates who have not traditionally paid any fee, for example Kansas Supreme Court justices and Court of Appeals judges who file for retention.

The first round of fee increases in the elections division were added to the Session Laws distributed in July. The increases will become more noticeable this fall and winter when Kansas Administrative Regulation books and Kansas Statutes Annotated are distributed and as more candidates begin to file for next year's elections.

Details on the fee increases can be reviewed in 2003 Senate Bill 239. Information on the fee increases is available on the SOS web site at www.kssos.org.

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RON THORNBURGH

Kansas Secretary of State

Dear Friends:

The Help America Vote Act state plan, developed by the Kansas Election Reform Advisory Council and my office has been finalized and submitted to the Federal Election Commission. Kansas is now eligible for up to \$7.5 million in federal funding, with the possibility of additional funding in the future. This roadmap is the result of a great partnership between the Secretary of State's office, county election officials and election advocates. Together we created a great product.

The state plan defines how we will improve the election process, including voter education, election official training, accessible voting equipment at every polling place and a statewide computerized voter registration system. If you would like to read the plan, it is available on our Web site at www.kssos.org.

The Kansas state plan combines common sense with vision and is by far the best plan in the nation. This is the first of many tasks that will set the standard for election reform and is a great model for other states to follow. I look forward to a continued partnership and thank you for all your hard work and dedication to Kansas.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron", is positioned above the printed name.

RON THORNBURGH
Secretary of State

Pat Rahija Reappointed

On July 1, 2003, Secretary of State Ron Thornburgh appointed Wyandotte County Election Commissioner Pat Rahija to her third term. Rahija was first appointed in August of 1995 and reappointed in July of 1999. She is only the third election commissioner in Wyandotte County in more than 30 years: William Bradish served 1971 to 1979, and Elizabeth Malloy served 1979 to 1995.

In making the appointment, Thornburgh said, "Commissioner Rahija is well respected in the community for her leadership in the election process. At a time when our country's election process is being redesigned to comply with the requirements of the federal Help America Vote Act, we need Pat's experience and administrative abilities to see that Wyandotte County and Kansas get through the next few years of change. Her work ethic and knowledge of the election process have proven to be very beneficial. Commissioner Rahija has demonstrated her-

self as a public servant who represents the finest of community leaders."

Upon her reappointment, Rahija expressed her intention to continue the progress she has made during her first two terms. Among her accomplishments: replacing 38-year-old lever voting machines with modern optical scan equipment, saving the county \$60,000 per election, consolidating and reducing the number of polling places, improving the recruitment and training of election board workers, computerizing office procedures, and relocating the election office.

Rahija said, "I really enjoy my work and being a part of democracy in action. Even though there are days I have a 'HAVA headache,' I am grateful for the great team of county election officials and state election officials that are working together to implement HAVA. I look at the problems in other states and think how glad I am to be in Kansas."

Polling Place Consolidation

A significant number of county election officers are working on plans to reduce the number of polling places in preparation for the 2004 elections. This is something the SOS office is encouraging, and CEOs who have not yet considered it should take a look at the possibilities during the next six months.

It has been common for years to have more than one precinct voting at a given polling place, and this will most likely increase in the near future. There may or may not be a decrease in the total number of precincts, but we expect the number of polling places to decrease.

Three factors are causing this polling place review:

1. The freeze is off. Precinct changes are not allowed during the two years before a federal census through the subsequent redistricting and general election. Thus, in 1998 precinct boundaries were frozen leading up to the 2000 federal census, through the 2002 redistricting process, and through the November, 2002 general election. When the November election was over, another freeze immediately went into effect because precinct boundary changes are also prohibited during the four months leading up to other elections, in this case the city/school elections in the spring of 2003.

The freeze ended in April, so precinct changes that needed to be made to accommodate population shifts and splits caused by state redistricting could be finalized.

2. Polling place accessibility requirements will stretch resources thin. Because polling places are public accommodations, they are subject to the Americans with Disabilities Act and must therefore be fully accessible to voters with any type of disability. HAVA has focused new attention on polling place accessibility by requiring states and localities to ensure accessible polls and by making a small amount of federal grant money available for it. County election officers are being asked to

review their polling places and determine where problems exist with regard to accessibility. Federal and county funding will probably be inadequate to bring about all the needed changes. Either physical alterations to the problem polling places or special accommodations for disabled voters must be made, or consideration should be made of moving polls to more accessible sites. Eliminating inaccessible polling places might result in more precincts voting at accessible sites and a net reduction in the number of polling places.

3. Electronic voting machines required by HAVA will be expensive. HAVA requires each polling place to have at least one DRE (direct recording electronic) voting machine that is fully ADA compliant to allow disabled voters to cast their ballots independently and secretly. This means the traditional means provided in state law for disabled voters to receive assistance in marking their ballots are no longer adequate. The most common adaptation is to provide an audio ballot component added on to a DRE voting machine. At present such machines cost nearly \$4,000 each, not including programming for each election. By reducing the number of polling places we can reduce the number of DRE machines needed and make federal funding go further.

In the 2002 general election there were 3,369 precincts voting at 2,405 polling places operated by 10,499 election board workers. The factors cited above suggest a reduction in the number of polling places will be possible as preparations begin for the 2004 election season. It should be noted that a reduction in polling places does not necessarily mean a reduction in the number of poll workers. Reducing polling places means the average number of precincts voting at each polling place increases, but precincts are still separate entities with separate ballots and election boards.

HAVA

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gram for voter education, including how to vote, how to make one's vote count and how to vote a provisional ballot.

Other issues in the works include:

Polling Place Accessibility

HAVA requires accessible polling places as well as accessible voting machines. This summer the SOS office sent survey materials to CEOs to assist them in determining which of their polling places were not fully accessible to disabled persons. The results of that preliminary survey are being studied, and this fall more information will be sent to CEOs to help them determine what specific actions need to be taken to make polls fully accessible for the 2004 elections. The Kansas Commission on Disability Concerns and the Kansas Advocacy and Protection Services are assisting in this assessment and will identify individuals in localities across the state to work with CEOs to address the needs of polling places.

HAVA includes a program where states may apply for grants from the Department of Health and Human Services to help defray the cost of upgrading polling place accessibility. The SOS office has applied for Kansas' share of the grants, an amount expected to be approximately \$110,000. This will not address all the needs, but it will pay for some improvements in the areas where they are most needed. Counties will have an opportunity to apply for the grant money from the SOS during the coming months.

Legislation

Two pieces of legislation were proposed by the SOS in 2003: HB 2288, a bill to implement some of the technical provisions of HAVA, and a budget line item to set up funds to receive and dispense HAVA money. HB 2288 was vetoed by the governor, who objected to the bill's provision to require every voter to show an identification before voting. Legislation will be proposed again in 2004 to enact the required portions of HAVA.

Funding for State Match

A proviso was included in the omnibus appropriations bill to cover the five percent match of federal Title 2 funding. In the proviso, the state legislature appropriated three percent (\$225,000) and the counties were directed to collectively contribute the other two percent (\$150,000). As of September 1, 67 counties have remitted their portion of the match. This is an outstanding response, considering they have until June 30, 2004, to send their payments.

Federal Funding

The SOS office received the first \$5 million in federal Title 1 HAVA funding in late spring, 2003. As of this writing, we are awaiting this year's Title 2 funding, expected to be approximately \$7.5 million. That money has not been disbursed yet because the government must first pay states that qualify for the punch card/lever machine buyout. Because Kansas has no punch card or lever machine voting systems in use, our state did not qualify for the buyout. The remainder of this year's appropriation after the buyout will be distributed according to each state's percentage of the nationwide total of voting age

population based on the 2000 federal census.

HAVA authorized additional funding in future years, but it remains to be seen whether Congress will appropriate more funds in the future. We received an indication in July that the next appropriation, if it is made, will be somewhere between \$500 million and \$1 billion. The White House recommended \$500 million, so it seems likely the appropriation will be closer to that figure, especially given recent increases in the federal budget deficit.

HAVA Coordinator Position

Mindy Miller, HAVA coordinator in the SOS office from December, 2002 through July, 2003, left the office to take a position in the legal department of Amerus, a Topeka-based annuity and investment company. We are conducting interviews to find her successor and will announce the appointment as soon as it is made.

HAVA Web Page

We have added a page to the Secretary of State's web site to keep everyone informed of the status of HAVA planning. Go to www.kssos.org and click on "Elections and Legislative", then click on "Election Reform" to bring up a full menu of HAVA news.

Chapman

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County in being the first county in Kansas to introduce mail ballot elections. At the national level she has been a long-time member of the Election Center in which she served on various committees and spoke in seminars on election issues. Marilyn has been a true friend and colleague over my term in office and she will be greatly missed."

Chapman reports that she intends to travel with her husband Floyd (Europe in September and Colorado in October, for starters), babysit grandchildren, work in the garden, and get involved in some community service projects during her retirement.

Thornburgh has appointed a five-member committee to help select a new election commissioner. He plans to fill the position by November 1, 2003.

Marilyn, we will all miss you, and we're hoping you will write that book about your experiences!

Wangemann Delivers Baby Girl

Melissa Wangemann, legal counsel for the secretary of state, gave birth to Emma Elisabeth Maag on July 1, 2003 at St. Francis Hospital in Topeka. Emma was 19 inches long and weighed 6 pounds, 11 ounces at birth.

Melissa's husband, Jared Maag, is an Assistant Attorney General who has spent much of this year in Bosnia on military duty. Jared was allowed to return home for two weeks shortly after Emma was born.

Melissa plans to return to work at the Secretary of State's office in October.